16-13151-mky Doc 64 Filed 04/10/17 Entered 04/10/17 13:16:50 Main Document

10-13131-IIIKV DOC	Pa 1 of 12	13.10.30 Wall L	Jocument
Fill in this information to identify the	case:		
Debtor name K&H Restaurant Inc	2.		
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF NEW YORK		
Case number (if known) 16-13151 (m	kv)		
10 10 10 1 (III	ikv)		Check if this is an amended filing
Official Form 206D			
	Who Llove Claims Cooured by Dr	on orth	4044
Schedule D: Creditors	Who Have Claims Secured by Pro	operty	12/15
e as complete and accurate as possible.			
Do any creditors have claims secured by			
☐ No. Check this box and submit pa	age 1 of this form to the court with debtor's other schedules. I	Debtor has nothing else to	report on this form.
Yes. Fill in all of the information be	pelow.		
Part 1: List Creditors Who Have Se	ecured Claims		
	ho have secured claims. If a creditor has more than one secured	Column A	Column B
claim, list the creditor separately for each clain	m.	Amount of claim	Value of collateral that supports this
		Do not deduct the value of collateral.	claim
American Express Bank, FSB	Describe debtor's property that is subject to a lien	Unknown	Unknown
Creditor's Name	certain property as set froth in Section 11 of		
c/o Beckett & Lee	the Business Loan and Security Agreement		
PO Box 3001	between the parties		
Malvern, PA 19355-0701 Creditor's mailing address	Describe the lien		
	Non-Purchase Money Security		
	Is the creditor an insider or related party?		
	■ No		
Creditor's email address, if known	Yes		
	Is anyone else liable on this claim?		
Date debt was incurred	■ No		
May 18,2016	☐ Yes. Fill out Schedule H: Codebtors (Official Form 206H)		
Last 4 digits of account number			
3994 Do multiple creditors have an interest in the same property?	As of the petition filing date, the claim is: Check all that apply		
■ No	Contingent		
Yes. Specify each creditor,	☐ Unliquidated		
including this creditor and its relative	■ Disputed		
priority.	_ Sispated		
3. Total of the dollar amounts from Part	I, Column A, including the amounts from the Additional Page, if a	any. \$0.00	
Part 2: List Others to Be Notified for	r a Debt Already Listed in Part 1		
	must be notified for a debt already listed in Part 1. Examples of e	ntities that may be listed are	e collection agencies
assignees of claims listed above, and atto			
no others need to notified for the debts I	isted in Part 1, do not fill out or submit this page. If additional pa	ges are needed, copy this p	page.
Manage and address	0,000	high line in Dont 4 did	Look A digito of

Name and address

On which line in Part 1 did you enter the related creditor?

Last 4 digits of account number for this entity

10-13151-11KV DUC 04 Filed 04/	Pa 2 of 12		17 13.10.50	Main Docum	ent
Fill in this information to identify the case:					
Debtor name K&H Restaurant Inc.					
United States Bankruptcy Court for the: SOUTHERN DIST	DICT OF NEW YORK				
Officed States Bankrupicy Court for the. 300 HERN DIST	KICT OF NEW TORK				
Case number (if known) 16-13151 (mkv)					
				■ Check if the character amended	
				amended	ıııııg
Official Form 206E/F					
Schedule E/F: Creditors Who Ha	ve Unsecured	d Clair	ns		12/15
Be as complete and accurate as possible. Use Part 1 for creditors ist the other party to any executory contracts or unexpired least Personal Property (Official Form 206A/B) and on Schedule G: Exe in the boxes on the left. If more space is needed for Part 1 or Part 1: List All Creditors with PRIORITY Unsecured Cl	es that could result in a cle ecutory Contracts and Une art 2, fill out and attach the	aim. Also lis expired Leas	t executory contracts ses (Official Form 2060	on <i>Schedule A/B: As</i> 3). Number the entrie	sets - Real and
Do any creditors have priority unsecured claims? (See 11	U.S.C. § 507).				
No. Go to Part 2.					
☐ Yes. Go to line 2.					
Part 2: List All Creditors with NONPRIORITY Unsecur	ad Claims				
List in alphabetical order all of the creditors with nonpri out and attach the Additional Page of Part 2.		the debtor ha	as more than 6 creditors		cured claims, fill
3.1 Nonpriority creditor's name and mailing address	As of the netition fil	ing date the	e claim is: Check all that	annly	\$265,059.88
Adel Kellel	☐ Contingent	mg date, the	Claim 13. Oneck an mac	<u></u>	Ψ203,033.00
72 Windsor gate Drive	☐ Unliquidated				
New Hyde Park, NY 11040	☐ Disputed				
Date(s) debt was incurred March 1. 2013			Debtor of \$840,00	0 for renovations	s and other
Last 4 digits of account number _	general busines				
	Is the claim subject to	o offset?	No ∐ Yes		
Part 3: List Others to Be Notified About Unsecured Cl	aims				
b. List in alphabetical order any others who must be notified for a assignees of claims listed above, and attorneys for unsecured cred		1 2. Example:	s of entities that may be	listed are collection a	gencies,
If no others need to be notified for the debts listed in Parts 1 a	nd 2, do not fill out or sub	mit this pag	e. If additional pages	are needed, copy the	next page.
Name and mailing address			line in Part1 or Part 2 editor (if any) listed?		digits of nt number, if
Part 4: Total Amounts of the Priority and Nonpriority I	Jnsecured Claims				
5. Add the amounts of priority and nonpriority unsecured claims					
			Total of claim an	nounts	
5a. Total claims from Part 1 5b. Total claims from Part 2		5a. 5b. +	\$ 	0.00	
ob. Total cialilis II VIII Falt 2		5b. +	Ψ	265,059.88	7
5c. Total of Parts 1 and 2 Lines 5a + 5b = 5c.		5c.	\$	265,059.88	

ankruptc	Check if this is an amended filing Y 04/16 of any additional pages,
-	amended filing Y 04/16 of any additional pages,
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-	of any additional pages,
m. On the top	
	Grana rayanya
	Grace rayanya
	Grace rayanya
	Grace revenue
	(before deductions and exclusions)
	noney collected from lawsuits,
s of revenue	Gross revenue from each source (before deductions and exclusions)
	ation, within 90 days before nay be adjusted on 4/01/19
	for payment or transfer
OO Secure	ed debt cured loan repayments ders or vendors des
☐ Unsec	cured loan repayments lers or vendors les
	loyee compensa. (This amount rule Reasons Check ali

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Debtor K&H Restaurant Inc.

Case number (if known) 16-13151 (mkv)

Cred	itor's Name and Address	Dates	Total amount of value	Reasons for payment or transfer Check all that apply
3.3.	DiamondRock NY Lex Owner, LLC 3 Bethesda Metro Center Suite 1500 Bethesda, MD 20814		\$128,982.63	☐ Secured debt ☐ Unsecured loan repayments ☐ Suppliers or vendors ☐ Services ☐ Other rent, etc
3.4.	Empire Merchants 16 Bridgewater Street Brooklyn, NY 11222		\$15,315.95	□ Secured debt □ Unsecured loan repayments ■ Suppliers or vendors □ Services □ Other
3.5.	G&L Seafood 469 Kissel Avenue Staten Island, NY 10301		\$12,095.05	□ Secured debt □ Unsecured loan repayments ■ Suppliers or vendors □ Services □ Other
3.6.	Performance Food Service 1 Ikea Drive Elizabeth, NJ 07207		\$29,300.70	□ Secured debt □ Unsecured loan repayments ■ Suppliers or vendors □ Services □ Other
3.7.	Teta Produce 57 Notingham Rd. New Hyde Park, NY 11040		\$7,324.00	☐ Secured debt ☐ Unsecured loan repayments ■ Suppliers or vendors ☐ Services ☐ Other
3.8.	QueensBoro Farm Products 51-20 59th Street Woodside, NY 11377		\$7,000.00	☐ Secured debt ☐ Unsecured loan repayments ■ Suppliers or vendors ☐ Services ☐ Other
3.9.	US Foods, inc PO Box 641871 Pittsburgh, PA 15264		\$35,638.17	☐ Secured debt ☐ Unsecured loan repayments ■ Suppliers or vendors ☐ Services ☐ Other
3.10	Commissioner of Labor of NY 75 Varick Street New York, NY 10013		\$7,990.89	☐ Secured debt ☐ Unsecured loan repayments ☐ Suppliers or vendors ☐ Services ☐ Other settlement of NYS Department of labor claims

16-13151-mkv Doc 64 Filed 04/10/17 Entered 04/10/17 13:16:50 Main Document Pa 5 of 12 Case number (if known) 16-13151 (mkv) Debtor K&H Restaurant Inc. 4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. Insiders include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31). ☐ None. Insider's name and address Total amount of value Reasons for payment or transfer **Dates** Relationship to debtor loan repayment on note dated Adel Kellel \$103.000.00 periodic March 1, 2013 72 Windsor Gate Drive monthly New Hyde Park, NY 11040 payments president, sole shareholder Repossessions, foreclosures, and returns List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6. None Creditor's name and address Describe of the Property Date Value of property Setoffs List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt. None Creditor's name and address Description of the action creditor took Date action was Amount taken Part 3: Legal Actions or Assignments Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case. ☐ None. Case title Nature of case Court or agency's name and Status of case Case number address **Andres Martinez, Myroslava Federal Labor US District Court - SDNY** Pending Velychko, Eman Abdelkarim **500 Pearl Street** Standard ☐ On appeal and Noedith Rojas v. Debtor, **Practices Act and** New York, NY 10007-1312 □ Concluded Adel Kellel, Rajesh Mincha **New York State** and Mohamed Prince Labor law 16 cv 01762 (BCM) 7.2. NY Hotel and Motel Trades union complaint Office of the Impartial Pending Council, AFL CIO v Debtor based on Chairman

8. Assignments and receivership

7.3. **N/A**

date hereof

321 West 44th Street

New York, NY 10036

500 Pearl Street

US District Court - SDNY

New York, NY 10007-1312

Suite 400

allegations made

by former shop

steward

grand jury

related to

investigation

potential violation of 26 U.S.C. 7201

union arbitration proceeding

no case brought as of the

□ On appeal

□ Concluded

□ Pending

☐ On appeal

□ Concluded

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Debtor K&H Restaurant Inc.

Case number (if known) 16-13151 (mkv)

		the benefit of creditors during the 120 days before cer within 1 year before filing this case.	e filing this case and any p	roperty in the hands of a
None				
Part 4: Certain Gifts and	d Charitable Contribut	tions		
9. List all gifts or charitab the gifts to that recipier		ebtor gave to a recipient within 2 years before f	iling this case unless the	e aggregate value of
■ None				
Recipient's nan	ne and address	Description of the gifts or contributions	Dates given	Value
Part 5: Certain Losses				
10. All losses from fire, the	ft, or other casualty w	rithin 1 year before filing this case.		
None				
Description of the pro		Amount of payments received for the loss	Dates of loss	Value of property lost
now the loss occurre	u	If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.		1031
		List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).		
Part 6: Certain Paymen	ts or Transfers			
	ney or other transfers o erson or entity, including	f property made by the debtor or person acting on l g attorneys, that the debtor consulted about debt co		
None.				
Who was paid the transfer?	or who received	If not money, describe any property transfer	rred Dates	Total amount or value
12. Self-settled trusts of w	nich the debtor is a be	eneficiary		
List any payments or tran to a self-settled trust or s Do not include transfers	imilar device.	by the debtor or a person acting on behalf of the datement.	lebtor within 10 years befo	ore the filing of this case
None.				
Name of trust or devi	ce	Describe any property transferred	Dates transfers were made	Total amount or value
2 years before the filing of	ey or other property by of this case to another p	t sale, trade, or any other means made by the debto terson, other than property transferred in the ordinal curity. Do not include gifts or transfers previously li	ary course of business or f	

☐ None.

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Debtor K&H Restaurant Inc. Case number (if known) 16-13151 (mkv)

	Who received transfer? Address	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
13.1	Rosen Law, LLC 1010 Northern Boulevard Suite 322		5/12/16 -	
	Great Neck, NY 11021	cash	8/11/16	\$25,182.50
	Relationship to debtor former counsel			
13.2	Commisioner of Labor of NY 75 Varick Street New York, NY 10013	cash - settlement of NYSDOL claims	4/19/16 - 8/4/	/16\$10,654.52
	Relationship to debtor none			
Part 7:	Previous Locations			
	us addresses previous addresses used by the debtor v	within 3 years before filing this case and the dates the	addresses were u	ised.
■ Do	pes not apply			
	Address		Dates of occ	upancy
			110111-10	
Part 8:	Health Care Bankruptcies			
Is the c	Care bankruptcies debtor primarily engaged in offering servi osing or treating injury, deformity, or dise ding any surgical, psychiatric, drug treatn	ease, or		
•	No. Go to Part 9.			
	ਪਰ. Go to Part 9. Yes. Fill in the information below.			
_	red. I iii iii tile iiiloimation below.			
	Facility name and address	Nature of the business operation, including type the debtor provides	of services	If debtor provides meals and housing, number of patients in debtor's care
Part 9:	Personally Identifiable Information			
	-			
16. Does t	he debtor collect and retain personall	y identifiable information of customers?		
I	No.			
	Yes. State the nature of the information of	collected and retained.		
	6 years before filing this case, have a sharing plan made available by the de	nny employees of the debtor been participants in ar btor as an employee benefit?	ny ERISA, 401(k)	, 403(b), or other pension or
.	No. Go to Part 10.			
	Yes. Does the debtor serve as plan admi	inistrator?		
Part 10:	Certain Financial Accounts, Safe Dep	posit Boxes, and Storage Units		

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Debtor K&H Restaurant Inc. Case number (if known) 16-13151 (mkv)

18. Closed financial ac

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

None

Financial Institution name and Address

Last 4 digits of account number

Type of account or instrument

Date account was closed, sold, moved, or transferred Last balance before closing or transfer

19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

■ None

Depository institution name and address

Names of anyone with access to it Address

Description of the contents

Do you still have it?

20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

None

Facility name and address

Names of anyone with access to it

Description of the contents

Do you still have it?

Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own

21. Property held for another

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

■ None

Part 12: Details About Environment Information

For the purpose of Part 12, the following definitions apply:

Environmental law means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

Site means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

Hazardous material means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

- 22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.
 - No.

☐ Yes. Provide details below.

Case title Court or agency name and case number address

Nature of the case

Status of case

23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?

Pa 9 of 12 Case number (if known) 16-13151 (mkv) Debtor K&H Restaurant Inc. No. Yes. Provide details below Site name and address Governmental unit name and Environmental law, if known Date of notice address 24. Has the debtor notified any governmental unit of any release of hazardous material? No. Yes. Provide details below. Site name and address Governmental unit name and Environmental law, if known Date of notice address Part 13: Details About the Debtor's Business or Connections to Any Business 25. Other businesses in which the debtor has or has had an interest List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules. None **Business name address** Describe the nature of the business **Employer Identification number** Do not include Social Security number or ITIN. Dates business existed 26. Books, records, and financial statements 26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case. Name and address Date of service From-To 26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case. ■ None 26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed. ■ None Name and address If any books of account and records are unavailable, explain why 26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case. None Name and address 27. Inventories Have any inventories of the debtor's property been taken within 2 years before filing this case? No Yes. Give the details about the two most recent inventories. Name of the person who supervised the taking of the Date of inventory The dollar amount and basis (cost, market, or other basis) of each inventory inventory 28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people

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Official Form 207

in control of the debtor at the time of the filing of this case.

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29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions? Yes. Identify below. 30. Payments, distributions, or withdrawals credited or given to insiders Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised? □ No Yes. Identify below. Name and address of recipient Amount of money or description and value of **Dates** Reason for providing the value property 30.1 Adel Kellel 72 Windsor Gate Drive \$66,500 shareholder distribution New Hyde Park, NY 11040 Relationship to debtor president, sole shareholder 31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes? No Yes. Identify below. Name of the parent corporation Employer Identification number of the parent corporation 32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund? Nο ☐ Yes. Identify below. Name of the parent corporation **Employer Identification number of the parent** corporation Part 14: Signature and Declaration WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571. I have examined the information in this Statement of Financial Affairs and any attachments and have a reasonable belief that the information is true and correct. I declare under penalty of perjury that the foregoing is true and correct. Executed on April 10, 2017 /s/ Adel Kellel Adel Kellel Signature of individual signing on behalf of the debtor Printed name Position or relationship to debtor Are additional pages to Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy (Official Form 207) attached? ■ No ☐ Yes

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K&H Restaurant Inc.

Debtor

Doc 64

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Main Document

Case number (if known) 16-13151 (mkv)

United States Bankruptcy Court Southern District of New York

In re	K&H Restaurant Inc.		Case No.	16-13151 (mkv)
		Debtor(s)	Chapter	11

AMENDED DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

	, 1		this case, declare under penalty of perjury that I have read, and that they are true and correct to the best of my
Date	April 10, 2017	Signature	/s/ Adel Kellel

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

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United States Bankruptcy Court Southern District of New York

In re	re K&H Restaurant Inc.		Case No.	16-13151 (mkv)
		Debtor(s)	Chapter	11

AMENDMENT COVER SHEET

 $Amendment(s) \ to \ the \ following \ petition, \ list(s), \ schedule(s) \ or \ statement(s) \ are \ transmitted \ herewith: \textbf{D, F SOFA}$

NOTICE OF AMENDMENT(S) TO AFFECTED PARTIES

Pursuant to Federal Rule of Bankruptcy Procedure 1009(a), I certify that notice of the filing of the amendment(s) listed above has been given this date to any and all entities affected by the amendment as follows:

Date: April 10, 2017 /s/ Andrew R. Gottesman

Andrew R. Gottesman
Attorney for Debtor(s)
Gottesman Law, PLLC
85 Broad Street
29th floor
New York, NY 10004
646-880-4456
andrew@gottesmanlawplic.com